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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,494	12/27/2000	Richard Friedman	60000.001US	6960

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ROSENFELD LAW CORPORATION  
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SUITE 200  
SAN FRANCISCO, CA 94123

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/750,494

Applicant(s)

FRIEDMAN ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Summary**

On August 24, 2005, the Applicant submitted a Request for a Pre-Appeal Brief Conference. On December 9, 2005, the Request was accepted, and prosecution was reopened. A new non-final action follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Remington (6,968,319).

Remington discloses a method and corresponding system for electronic bill presentment comprising disallowing payments for e-billing comprising data input means for receiving the telecommunications bills provided from a vendor to a consumer, means for storing a database of the consumer's pre-determined billing indices, a processor including means for comparing the billed indices from the telecommunications bill against of the pre-determined indices, means for identifying billing discrepancies between the billed indices and the pre-determined indices, and means for generating deprovision requests and billing disputes based upon the billing discrepancies; and data

output means for transmitting the deprovision requests and the billing disputes to the vendor (col.5, line 49 to col.6, line 40 and col.10, line 48 to col.11, line 60); the processor further includes means for determining and correcting errors in the database of pre-determined billing indices (col.10, line 48 to col.11, line 60); the processor further includes means for identifying installed telecommunication components that are not included as the billed telecommunication items and for accruing the un-included installed telecommunication components (col.5, line 49 to col.6, line 40 and col.10, line 48 to col.11, line 60); a method for analyzing billing items in telecommunications bills received by a consumer from a vendor, comprising the steps of extracting data corresponding to billing item components, billing item rates, and billing item quantities from the telecommunication bills, identifying non-existent billing item components in the telecommunication bills by comparing the billing item components in the telecommunication bills to the consumer's existing components, determining erroneous billing item rates in the telecommunication bills by comparing the billing item rates in the telecommunication bills to rate data representative of rates that should have been charged to the consumer, determining erroneous billing item quantities in the telecommunications bills by comparing the billing item quantities in the telecommunication bills to the consumer's quantity data, and generating a billing dispute for the billing items based upon the non-existent billing item components, erroneous billing item rates and erroneous billing item quantities (col.5, line 49 to col.6, line 40 and col.10, line 48 to col.11, line 60); generating deprovision requests to the vendors based upon the non-existent billing item components (col.10, line 48 to col.11, line 60);

Art Unit: 3624

determining and correcting errors in the existing component database (col.10, line 48 to col.11, line 60); identifying installed components from the existing component database that are not included as billing item components in the telecommunication bills and accruing the un-included installed components (col.10, line 48 to col.11, line 60); quantity database contains component usage and component configuration data (col.5, line 49 to col.6, line 40 and col.10, line 48 to col.11, line 60); a existing component database containing data identifying existing components, a rate database containing data identifying billing rates for the existing components, a quantity database containing data identifying quantities of the existing components, means for receiving and extracting data from the telecommunication bills, means for comparing the billing item components in the telecommunication bills to the existing component database to identify non-existent billing item components in the telecommunication bills, means for comparing the billing item rates in the telecommunication bills to the rate database to determine erroneous billing item rates in the telecommunication bills, means for comparing the billing item quantities in the telecommunication bills to the quantity database to determine erroneous billing item quantities in the telecommunication bills, and means for disputing the billing items based upon the non-existent billing item components, erroneous billing item rates, and erroneous billing item quantities (col.5, line 49 to col.6, line 40 and col.10, line 48 to col.11, line 60); means for generating deprovision requests to the vendors based upon the non-existent billing item components (col.10, line 48 to col.11, line 60); means for determining and correcting errors in the existing component database (col.10, line 48 to col.11, line 60); means for

Art Unit: 3624

identifying installed components from the existing component database that are not included as billing item components in the telecommunication bills and means for accruing the un-included installed components in an accounting system of the consumer (col.10, line 48 to col.11, line 60); and the quantity database contains component usage and component configuration data (col.5, line 49 to col.6, line 40 and col.10, line 48 to col.11, line 60).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH